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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/839,972	04/20/2001	Eric Bodnar	LS/0019.00	4879
8791 7:	590 01/25/2005	EXAMINER		INER
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			PHAN, HUY Q	
12400 WILSHI SEVENTH FLO	RE BOULEVARD		ART UNIT	PAPER NUMBER
	S, CA 90025-1030	2687		
			DATE MAILED: 01/25/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
	09/839,972	BODNAR ET AL.			
Office Action Summary	Examiner	Art Unit			
	Huy Q Phan	2687			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
1) Responsive to communication(s) filed on <u>20 April 2001</u> .					
2a) This action is <b>FINAL</b> . 2b) This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 48	03 O.G. 213.			
Disposition of Claims					
4) Claim(s) 1-53 is/are pending in the application.  4a) Of the above claim(s) is/are withdray  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) 1-53 are subject to restriction and/or expressions.	wn from consideration.				
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposed and all accomposed and are supplied to the seplacement drawing sheet(s) including the correct and the seplacement of the seplacement drawing sheet(s) including the correct and the seplacement of the seplacement drawing sheet(s) including the correct and the seplacement of the seplacem	epted or b) objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview Summary				
Notice of Draftsperson's Patent Drawing Review (PTO-948)     Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)     Paper No(s)/Mail Date	Paper No(s)/Mail Do 5) Notice of Informal F 6) Other:	ate Patent Application (PTO-152)			

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Art Unit: 2687

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-32 and 50-53, drawn to subject matter indented wherein the radiotelephone system is combined with a structure for retention of a message signal or for reproduction thereof, classified in class 455, subclass 412.1.
  - II. Claims 33-49, drawn to subject matter wherein a camera is used as a computer peripheral for generating image data that is processed and/or stored by the computer for display to a local user, for downloading to an end user, or for being combined with computer-generated data, classified in class 348, subclass 207.1.
- 2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01).

In the instant case the different inventions are distinct, each from the other because of the following reasons: invention I has utility about subject matter indented wherein the radiotelephone system is combined with a structure for retention of a message signal or for reproduction thereof, while invention II has separately utility about subject matter wherein a camera is used as a computer peripheral for generating image

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data that is processed and/or stored by the computer for display to a local user, for downloading to an end user, or for being combined with computer-generated data.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different subclasses, restriction for examination purposes as indicated is proper.

## Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G. Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SONNY TRINH PRIMARY EXAMINER

Examiner: Phan, Huy Q.

AU: 2687

Date: Jan. 24, 2005